

Health Dept.
Environmental Eng.
Air Pollution

c.1

Iowa
Air Pollution Control
Law



Chapter 162
Acts of the
Sixty-second General Assembly
of the
State of Iowa



IOWA
AIR POLLUTION CONTROL COMMISSION

STATE DEPARTMENT OF HEALTH
LUCAS STATE OFFICE BUILDING
Des Moines, Iowa 50319

Iowa Air Pollution Control Law

Chapter 162

Acts of the Sixty-second General Assembly of the State of Iowa

Effective July 1, 1967

WHEREAS, it is hereby declared to be the public policy of this state to achieve and maintain reasonable levels of air quality, and to prevent the discharge of air contaminants into the outside atmosphere which will cause air pollution and create a public nuisance; and

WHEREAS, it is the intent and purpose of this Act to maintain purity of the air resources of the state consistent with the protection of the normal health and physical property of the state, maximum employment, and the full industrial development of the state; and

WHEREAS, it also is the purpose of this Act to provide for a coordinated statewide program of air pollution prevention, abatement and control for an appropriate distribution of responsibilities among the state and political subdivisions, for the procedures for cooperation across jurisdictional lines in dealing with problems of air pollution not confined within single jurisdictions, and for a framework within which all values may be balanced for the public interest; and,

WHEREAS, the commission hereby established shall seek the accomplishment of these objectives through the prevention, abatement, and control of air pollution by practicable and reasonable methods; NOW, THEREFORE,

Be It enacted by the General Assembly of the State of Iowa:

Title *

SECTION 1. This Act shall be known as the "Iowa Air Pollution Control Act".

Definitions

SEC. 2. When used in this Act, unless the context otherwise requires:

1. "Air contaminant" means dust, fume, mist, smoke, other particulate matter, gas, vapor (except water vapor), odorous substance, or any combination thereof.

2. "Air contaminant source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated.

a. Air contaminant source includes, but is not limited to, all types of businesses, commercial and industrial plants, works, shops, and stores, heating and power plants and stations, buildings and other structures of all types including single and multiple family residences, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings, automobiles, trucks, tractors, buses, aircraft, and other motor vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats, and other water-borne craft, portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing.

3. "Air pollution" means presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as is injurious to normal human, plant, or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.

4. "Atmosphere" means all space outside of buildings, stacks or exterior ducts.

5. "Commissioner" means the commissioner of public health.

6. "Commission" means the air pollution control commission created by this Act.

7. "Department" means the state department of health.

8. "Emission" means a release of one (1) or more air contaminants into outside atmosphere.

9. "Technical secretary" means the technical secretary of the commission.

10. "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, agency of the state, trust, estate, joint stock company, or any other legal entity, or their legal representative, agent or assigns.

11. "Political subdivision" means any municipality, township, or county, or district, or authority, or any portion, or combination of two (2) or more thereof.

* Section headings not a part of enrolled bill

Air pollution control commission

SEC. 3. There is hereby created and established the Iowa air pollution control commission. The commission is established within the department of health to perform the functions specified for it in this Act.

1. The commission shall consist of the commissioner of public health and eight (8) additional members having competence appropriate to service in the field of air pollution, to be appointed by the governor. One (1) member shall be a registered professional engineer as defined in section one hundred fourteen point two (114.2) of the Code. One (1) member shall be a physician licensed in compliance with section one hundred forty-eight point three (148.3) of the Code who shall be experienced in the field of industrial medicine. One (1) member shall be actively engaged in the management of a private manufacturing concern. One (1) member shall be selected from individuals representative of a field directly related to the conservation of natural resources or agriculture. One (1) member shall be representative of labor. One (1) member shall be engaged in or be a representative of a political subdivision government or urban or regional planning commission. Two (2) members shall be selected at large.

2. Members appointed to the commission shall serve for terms of four (4) years, except when appointed to fill an unexpired term, and until appointment of their successors, except that the terms of those first appointed shall be as designated by the governor at the time of appointment as follows:

a. Four (4) members shall serve from the date of appointment until June 30, 1969. Four (4) members shall serve from the date of appointment until June 30, 1971.

b. If a vacancy occurs in the appointed membership, the governor shall appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause.

3. The members of the commission shall receive no compensation for their services, but shall be reimbursed for travel and other expenses necessarily incurred in the performance of their duties.

4. The commission shall hold at least four (4) regular meetings each calendar year at a place and time to be fixed by the commission. Special meetings may be called by the chairman or by four (4) members of the commission upon delivery of written notice to the office of each member of the commission. Any five members present at any regular or special meeting shall constitute a quorum.

5. Except as otherwise specified in this Act, at least a quorum must be present at any meeting to validate any action taken by the commission at such meeting, and a majority of members present shall determine issues; provided, however, that any rule or regulation or amendment or repeal thereof shall not be deemed operative until it shall have been approved in writing by at least five members of the commission.

6. The commission shall select at its first meeting one (1) of its members to serve as chairman, and another of its members to serve as vice-chairman. At the first regular meeting in each calendar year thereafter, a chairman and a vice-chairman for the ensuing year shall be elected. The department shall furnish the services of a technical secretary to the commission. The technical secretary shall be a technically qualified engineer and shall receive no additional compensation for such services.

Powers and duties of commission

SEC. 4. The commission is hereby given and charged with the following powers and duties:

1. The commission, through the department, shall have general supervision over administration and enforcement of all laws relating to air pollution.

2. To develop and prepare a comprehensive plan or plans for the abatement, control, and prevention of air pollution in this state, recognizing varying requirements for different areas in the state.

3. To adopt, amend and promulgate rules and regulations pertaining to the evaluation, abatement, control, and prevention of air pollution consistent with the intent and purpose of this Act after at least sixty (60) days public notice and public hearings.

4. To establish, repeal, or modify air quality standards for the atmosphere of this state as a whole or any part thereof on the basis of providing air quality necessary to minimize air pollution consistent with the purposes of this Act after at least sixty (60) days public notice and public hearings.

5. To establish, repeal, or modify emission standards relating to the maximum quantities of air contamination that may be emitted from any air contaminant source; and requirements for open burning, including the prohibition thereof, for this state as a whole, after at least sixty (60) days public notice and public hearings.

6. To consider complaints of conditions reported to, or considered likely to, constitute air pollution; and instruct the department to conduct investigations of such complaints upon receipt of the written petition of any state agency, the governing body of any political subdivision, a local board of health, or twenty-five (25) affected residents of the state.

7. To hold such public hearings except when the evidence to be received is confidential pursuant to section eight (8) of this Act, in addition to those otherwise required by this Act, as it may deem advisable and necessary to accomplish the purposes of this Act, and in connection therewith is authorized to issue subpoenas requiring the attendance of witnesses and the production of evidence pertinent to such hearings. All hearings shall be held before at least a quorum of the commission.

a. If any person refuses to obey a subpoena issued under this Act, the district court of the county where the proceeding is pending shall have jurisdiction, upon application of the commission, or its authorized representative, or the technical secretary, to issue to such person an order requiring him to appear and testify or produce evidence, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

8. To issue or enter such order or determination as may be necessary to effectuate this Act. If a condition of air pollution, as defined herein, is found to exist, such order may require the taking of such action as is indicated by the circumstances to cause the abatement or control of such condition.

a. In making orders and determinations, the commission shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions involved, including, but not limited to: the character and degree of injury to, or interference with, the protection of the health and the physical property of the public; the practicability of reducing or limiting the emissions from such air pollution source; and the suitability or unsuitability of the air pollution sources to the area in which located.

b. Any such order or determination may include such advisory recommendation as is deemed appropriate for the control of emissions from any air contaminant source and the reduction of the emission of air contaminants.

9. Cause to be instituted, in the name of the state, in a court of competent jurisdiction, legal proceedings to compel compliance with any order or determination entered by the commission.

10. To classify air contaminant sources according to levels and types of emissions, and other characteristics which relate to air pollution, and may require, by rule and regulation, reporting for any such class or classes of information including location, size, and height of contaminant outlets, fuels used, the nature and the time periods of emissions, and such other information as is relevant to air pollution.

Classifications made pursuant to this paragraph may be for application to the state as a whole, or to any designated area of the state, and shall be made with special reference to effects on health, economic, and social factors, and physical effects on property.

11. To require, by rules and regulations promulgated hereunder, notice of the construction or the installation of any equipment which may cause or contribute to air pollution as defined herein; and the submission to the department of plans and specifications, or such other information as is deemed necessary, for installation of equipment from which air contaminants may be emitted to the atmosphere and related control equipment.

Such standards, rules, or regulations shall not specify any particular method to be used to reduce undesirable levels of emissions, nor type, design, or method of installation of any equipment to be used to reduce said levels of emissions, nor the type, design, or

method of installation or type of construction of any manufacturing processes or kinds of equipment, nor specify the kind or composition of fuels permitted to be sold, stored, or used.

Nothing herein shall prevent the commission from giving technical advice pertaining to the construction or installation of any equipment or any other recommendation.

The order of determination of the commission may include such advisory recommendation as the commission may deem appropriate for the control of emissions from any air-contaminant source and the reduction of the emission of air contaminants.

12. Review and evaluate local air pollution control programs conducted by political subdivisions of the state with respect to whether such programs are not inconsistent with the provisions and purposes of this Act, and any rules and regulations promulgated thereunder.

13. Represent the state in any and all matters pertaining to plans, procedures, negotiations, and agreements for interstate compacts relating to the control of air pollution.

14. Advise, consult, and cooperate with other agencies of the state, political subdivisions, industries, other states, interstate or interlocal agencies, the federal government, and with affected groups in the control of air contamination sources within the state.

15. Encourage voluntary cooperation by persons or other affected groups in restoring and preserving a reasonable quality of air within the state.

16. Encourage political subdivisions to handle air pollution problems within their respective jurisdictions to the greatest extent possible.

17. Provide technical assistance to political subdivisions requesting such aid for the furtherance of air pollution control.

18. Collect and disseminate information, and conduct educational and training programs, relating to air pollution and its abatement prevention, and control.

Health department duties

SEC. 5. The department shall:

1. Provide to the commission such facilities and services as may be needed in conducting the activities specified herein.

2. Publish and administer the rules, regulations, and standards promulgated hereunder. The department shall furnish a copy of such rules, regulations, or standards adopted hereunder to any citizen upon request.

3. Provide such technical, scientific, and other services as may be required for the purpose of effectuating the provisions of this Act from funds appropriated and available for the purposes of this Act.

4. Conduct such correspondence and related activities in the interim between meetings of the commission, make or arrange for such inspections and investigations, and assemble or prepare such data and reports as the commission may request.

5. Conduct investigations of complaints received directly or referred by the commission, or such other investigations as are deemed necessary to effectuate the provisions of this Act; and participate, on behalf of the state, in hearings before the commission.

6. Enter at all reasonable times in and upon any private or public property except private dwellings for the purpose of investigating an actual or possible source of air pollution, or of ascertaining the state of compliance with this Act or rules and regulations promulgated hereunder.

a. No person shall refuse entry or access to any authorized representative of the department who requests entry for the purpose of an investigation, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such investigation.

b. If requested, the owner or operator of the premises shall receive a report setting forth levels of emissions and any other facts found which relate to compliance status.

7. Grant, modify, or deny permits, under the direction of the commission, for the installation of new equipment capable of emitting air contaminants to produce air pollution as defined herein, and for related control equipment, subject to pertinent rules and regulations promulgated hereunder. The department shall furnish necessary forms to be executed in making application for such permits.

a. No equipment which may cause or contribute to air pollution as defined herein, or which is intended primarily to prevent or to control the emission of air contaminants, shall be installed, altered in such a way that it significantly affects operational efficiency, or placed in use unless a permit has been issued for such equipment.

b. The condition of expected performance must be reasonably detailed in the permit unless it is agreed between the commission and the permit holder that a condition of development and adjustment exists.

c. Upon denial of such a permit, the person applying for such permit shall be notified of such denial and informed of the reason or reasons therefor, and such person shall be entitled to a hearing before the commission in accordance with section four (4), subsection seven (7) of this Act.

8. Determine by field studies and sampling the quality of atmosphere and the degree of air pollution in this state and the several parts hereof.

9. Conduct and encourage studies, investigations, and research relating to air pollution and its causes, effects, abatement, control, and prevention.

10. Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the federal government, for the purpose of conducting any of the functions of this Act.

11. Employ and compensate, within appropriations available pursuant to the Iowa merit system, and prescribe the duties of such consultants and technical assistants on a full or part-time basis as may be necessary to carry out the provisions of this Act.

Interior air pollution not included

SEC. 6. Nothing contained in this Act shall be deemed to grant to the commission or the department any authority or jurisdiction with respect to air pollution existing solely within residences; or solely within commercial and industrial plants, works, or shops under the jurisdiction of chapter ninety-one (91) of the Code; or to affect the relations between employers and employees with respect to, or arising out of, any condition of air pollution.

Assistance of other agencies

SEC. 7. The commission and the department may request and receive assistance from any other agency, department, or educational institution of the state, or political subdivision thereof, when it is deemed necessary or beneficial by the commission or the department in effectuating the purposes of this Act. The department may reimburse such agencies for special expense resulting from expenditures not normally a part of the operating expenses of any such agency.

Information confidential

SEC. 8. Information received by the commission or the department through filed reports, inspections, or as otherwise authorized under this Act concerning trade secrets, secret industrial processes, or other privileged communications shall not be disclosed or opened to public inspection, except as may be necessary in a proceeding concerning a violation of the Act or of any rules and regulations promulgated thereunder, or as otherwise authorized or ordered by appropriate court action or proceedings. Nothing herein shall be construed to prevent the commission or the department from compiling or publishing analyses or summaries relating to the general condition of the atmosphere; provided that such analyses or summaries do not reveal any information otherwise confidential under this section.

Notice and orders to violators

SEC. 9. Whenever the commission has evidence that a violation of any provision of this Act, or rule, regulation, or standard promulgated hereunder has occurred, it may cause written notice to be served upon the alleged violator or violators by certified mail. The notice shall specify the provision of this Act, rule, regulation, or standard alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.

1. Any such order shall become final unless, no later than thirty (30) days after the date the notice and order are received, the person or persons named therein request a hearing before the commission. In lieu of an order, the commission may require that the alleged violator or violators appear before the commission for a hearing at a time and place specified in the notice and answer the charges. Such hearings shall be held at such place as the commission shall determine.

2. The alleged violator or violators may file a written answer to a notice of violation or order and may appear in person at such hearing or by representative, with or without counsel, and may make oral argument, offer testimony, and cross examine witnesses. The testimony taken at the hearing shall be under oath and recorded, and copies of the transcript shall be furnished to the alleged violator or violators upon his request and at his expense.

3. If after a hearing held pursuant to subsection one (1) of this section, the commission finds that a violation or violations have occurred, it shall affirm or modify its order previously issued, or issue an appropriate order or orders for the prevention, abatement, or control of the emissions or air pollution involved. If after hearing on an order, the commission finds that no violation is occurring, it shall rescind the order. Any order issued as part of a notice or after hearing shall prescribe the date or dates by which violation or violations shall cease and may prescribe time tables for necessary action in preventing, abating, or controlling the emissions or air pollution.

4. Nothing in this Act shall prevent the commission and the department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

5. If the commission, its technical secretary, or the commissioner has evidence that any person is causing or contributing to air pollution and that such pollution creates an emergency requiring immediate action to protect the public health and safety, or property, either may, without notice or hearing, issue an emergency order reciting that an emergency exists and requiring such person or persons to reduce or discontinue immediately the emission of air contaminants. Such order shall be effective immediately. Upon issuance of such order the commission or its authorized representative shall fix a place and time of hearing, such hearing to be held before the commission not later than twenty-four (24) hours thereafter. Not more than twenty-four (24) hours from the commencement of such hearing, the commission shall affirm, modify, or set aside such order.

Appeal from order

SEC. 10. An appeal may be taken by any aggrieved party from any order issued or entered as provided in section nine (9) to the district court of the county in which the alleged offense was committed. Notice of appeal from an order shall be served upon the commission or the technical secretary by certified mail or by personal service. Failure to serve such notice of appeal within thirty (30) days after receipt of the order shall operate as a waiver of the right to appeal. An order by the commission shall not be stayed by an appeal except by order of the district court after hearing for good cause shown by the aggrieved party. The hearing on appeal shall be tried as a suit in equity and shall be de novo. The court may receive additional testimony and evidence and may affirm, modify, or reverse the order of the commission.

Application for injunction

SEC. 11. If measures to prevent or correct air pollution which is in violation of any rule or regulation promulgated by the commission are not taken in accordance with an order of the commission, or if the commission or its authorized representative has evidence that an emergency exists by reason of air pollution, requiring immediate action to protect the public health or property, the attorney general shall, upon receiving a request from the commission or its authorized representative, bring an action in the name of the state for an injunction to prevent any further or continued violation of such rule or regulation or such order. In an action for a temporary injunction brought pursuant to this section, any previous findings of the commission, after due notice and hearing, shall be prima facie evidence of the fact or facts found therein.

Burden of proof

SEC. 12. In all proceedings with respect to any alleged violation of the provisions of this Act or any rule or regulation promulgated hereunder, the burden of proof shall be upon the commission except in an action for a temporary injunction as provided for in Section eleven (11) of this Act.

Application for variance

SEC. 13. Any person who owns or is in control of any plant, building, structure, process, or equipment may apply for a variance from rules, regulations, or standards governing the quality, nature, duration, or extent of emissions by filing an application with the technical secretary. The application shall be accompanied by such information and data as the commission may require.

1. The department shall promptly investigate such application and make a recommendation to the commission as to the disposition thereof. The commission may grant such variance if it finds that:

a. The emissions occurring or proposed to occur do not endanger or tend to endanger human health or safety or property; and

b. Compliance with the rules, regulations, or standards from which variance is sought would produce serious hardship without equal or greater benefits to the public.

2. A hearing shall be held if the commission in its discretion concludes that a hearing will be advisable. The person applying for a variance may request a review hearing before the commission if his application is denied.

3. In determining under what conditions and to what extent a variance from this Act or rule or regulation hereunder may be granted, the commission shall give due recognition to the progress which the person requesting such variance shall have made in eliminating or preventing air pollution. In such a case, the commission shall consider the reasonableness of granting a variance, conditioned upon

such person effecting a partial abatement of the particular air pollution over a period of time which it shall consider reasonable under the circumstances, or the commission in conformity with the intent and purpose of this Act to protect health and property, may prescribe other and different requirements with which the person who receives such variance shall comply.

4. Any variance granted shall be granted for such period of time, not exceeding one (1) year, as shall be specified by the commission at the time of the grant of such variance. Any variance may be granted by the commission upon the condition that the person who received it shall make such periodic reports to the commission as the commission shall specify as to the progress which such person shall have made toward compliance with any rule or regulation as to which a variance has been granted. Such variance may be extended from year to year by affirmative action of the commission.

Pollution control programs by subdivisions

SEC. 14. 1. Any political subdivision is hereby authorized, in addition to any other power vested by law, to conduct an air pollution control program within the boundaries of its jurisdiction, and to conduct air pollution control programs jointly with other political subdivisions of this state or of other states; provided that every joint program shall be established and administered in accordance with the provisions of chapter twenty-eight E (28E) of the Code. In conducting such programs, political subdivisions shall have the power and the authority to adopt and enforce rules, regulations, or standards for the purpose of securing and maintaining adequate air quality within the respective jurisdictions.

2. If the board of supervisors in any county establishes an air-pollution program and has obtained a certificate of acceptance, the agency implementing the program shall have jurisdiction over and may regulate air pollution within the county including any incorporated areas therein unless and until such incorporated areas shall obtain a certificate of acceptance as a joint or separate agency.

Acceptance of program by commission

SEC. 15. When an air pollution control program conducted by a political subdivision, or combination of two (2) or more political subdivisions, is deemed upon review in accordance with section four (4), subsection twelve (12), of this Act to be consistent with the provisions of this Act or rules and regulations promulgated thereunder, the commission shall accept such program in lieu of administration of the regulatory provisions of this Act by the state within the jurisdiction involved. Nothing contained herein shall be construed to limit the power of the commission to take emergency action under the provisions of section nine (9), subsection five (5), of this Act.

1. In evaluating such a local air pollution control program, consideration shall be given to whether such program provides for the following:

a. Ordinances, rules, regulations, or standards establishing requirements consistent with, or more strict than, those imposed by this Act or rules, regulations, and standards promulgated thereunder;

b. Enforcement of such requirements by appropriate administrative and judicial process; and

c. Administrative organization, staff, financial, and other resources necessary to carry out its program effectively and efficiently.

2. When a local air pollution control program has been deemed to be consistent with the provisions of this Act, the commission shall issue a certificate of acceptance to the appropriate local agency.

a. Any political subdivision desiring a certificate of acceptance shall make application for such certificate to the technical secretary on such forms as the commission may prescribe.

b. The technical secretary shall investigate promptly such application, and make a recommendation to the commission as to the disposition thereof. Upon receiving an affirmative recommendation from the technical secretary, the commission may grant such certificate without a hearing. If the recommendation is against the granting of a certificate of acceptance, or if the commission in its discretion concludes that a hearing is advisable, the political subdivision shall be entitled to a hearing as provided in section nine (9) of this Act on the questions as to whether the local program is substantially consistent with the provisions of this Act or rules and regulations promulgated thereunder, and whether the local ordinance or regulation is being enforced. The burden of proof thereof shall be upon the political subdivision.

c. If the commission shall determine at any time that a local program is being conducted by a political subdivision holding a certificate of acceptance in a manner inconsistent with the substantive provisions of this Act or rules and regulations promulgated thereunder, the commission shall provide to the political subdivision a notice reciting the deviations from the standards and the corrective measures to be completed within a reasonable period of time. If the commission finds, after such period of time, that the political subdivision has failed to take the specified corrective action, the commission shall suspend the certificate of acceptance and shall administer the regulatory provisions of this Act in such political subdivision until such standards are met. Upon receipt of evidence that is deemed to show correction of the cause of such suspension, the commission shall reinstate a suspended certificate of acceptance, and the political subdivision shall resume the regulatory functions involved upon receipt of appropriate notice from the commission. In cases where the certificate of acceptance is suspended, the political subdivision shall be entitled to a hearing as specified in section nine (9) of this Act.

d. Nothing in this Act shall be construed to supersede the jurisdiction of any local air pollution control program in operation on the effective date of this Act; provided that within two (2) years from such date any such program shall meet all requirements of this Act for a local air pollution control program and an application for a certificate of acceptance is submitted to the technical secretary.

Violation of orders

SEC. 16. In the event the commission shall determine that any final order or determination made by it is being violated, the commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent any further violation of such final order or determination or for the assessment of such penalty not to exceed two hundred (200) dollars per day for each day such violation continues as the court may deem proper, or both. It shall be the duty of the attorney general to bring such actions at the request of the commission in the name of the people of the state of Iowa.

Failure to act by commission within 60 days

SEC. 17. Upon the failure of the technical secretary to take action within sixty (60) days after an application for installation permit or variance, or upon the failure of the commission to enter a final order or determination within sixty (60) days after the final argument in any hearing under section nine (9) of this Act, the person seeking any of such actions shall be entitled to treat for all purposes such failure to act as a grant of the requested permit or variance, or of a finding favorable to the respondent in any hearing under section nine (9) of this Act, as the case may be.

No fees

SEC. 18. No fees shall be charged by the technical secretary or the commission for the performance of any of their respective functions under this Act.

No interference with other functions of health department

SEC. 19. The powers, duties, and functions vested in the commission under the provisions of this Act shall not be construed to affect in any manner the powers, duties, and functions vested in the department under any other provisions of law.

MISCELLANEOUS PROVISIONS

The following section of the Code of Iowa also has been amended by Chapter 162, Acts of the 62nd General Assembly:

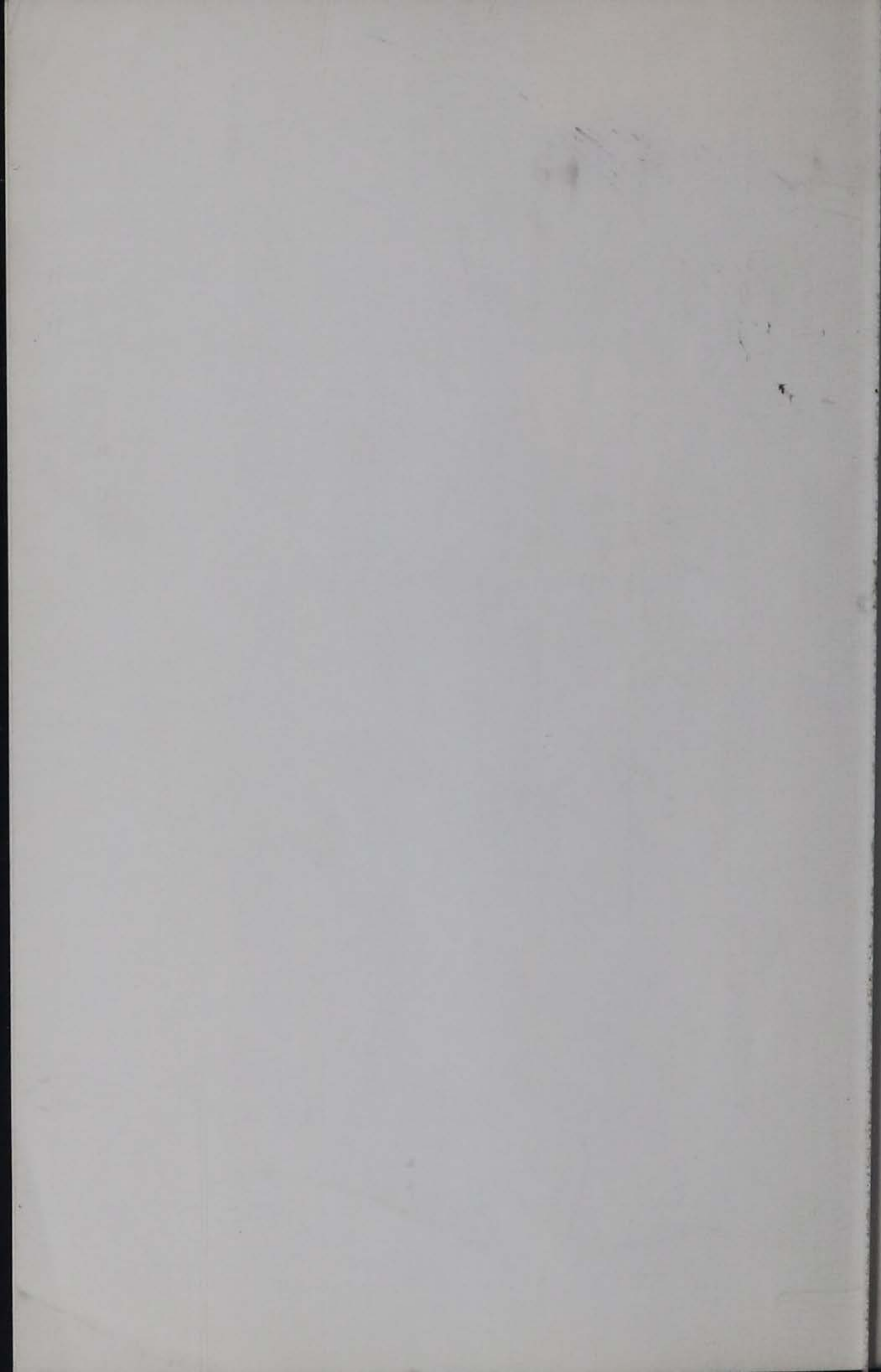
263.8 Reports-tests. Such examination shall be made without charge, except for transportation and actual cost of examination, not to exceed two dollars for each. A copy of each epidemiological examination and investigation shall be promptly sent to the state department of health.

In addition to its regular work, the laboratory shall perform without charge all bacteriological, serological, and epidemiological examinations and investigations which may be required by the state department of health or the Iowa water pollution control commission and said department shall establish rules therefor.

The laboratory also shall perform all laboratory examinations and studies that may be required by the state department of health and the air pollution control commission. The laboratory is authorized to perform such laboratory examinations relating to air contaminants as may be requested by political subdivisions or other persons, and the laboratory is hereby authorized to charge political subdivisions or other persons fees covering transportation of samples and the actual costs of examinations performed upon their request.

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